

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
JESSIE HAYES)	CASE NO. 17-52318-PWB
MARQAVAION MOORE)	CASE NO. 17-52406-PWB
SHELTON OWENS)	CASE NO. 17-52410-PWB
TRAVIS TEGNER ¹)	CASE NO. 17-52418-PWB
WENDELL STEPP)	CASE NO. 17-52420-PWB
)	
DEBTORS.)	

**MOTION FOR RULE 2004 EXAMINATION
OF RUBEN S. HAUWANGA**

COMES NOW Guy G. Gebhardt, Acting United States Trustee for Region 21, and moves the Court to enter an order authorizing examination of Ruben S. Hauwanga. In support of this motion, the United States Trustee shows as follows.

1.

On February 6, 2017, Ruben S. Hauwanga delivered a chapter 7 petition for Jesse Hayes to the United States Bankruptcy Court. (Case No. 17-52318-PWB, Dkt. No. 1, page 30)

2.

On February 7, 2017, Ruben S. Hauwanga delivered a chapter 7 petition for Marqavaion Moore to the United States Bankruptcy Court. (Case No. 17-52406-PWB,

Dkt. No. 1, page 28)

3.

On February 7, 2017, Ruben S. Hauwanga delivered a chapter 7 petition for Shelton Owens to the United States Bankruptcy Court. (Case No. 17-52410-PWB, Dkt. No. 1, page 16)

4.

On February 7, 2017, Ruben S. Hauwanga delivered a chapter 7 petition for Travis Tigner to the United States Bankruptcy Court. (Case No. 17-52418-PWB, Dkt. No. 1, page 29)

5.

On February 7, 2017, Ruben S. Hauwanga delivered a chapter 7 petition for Wendell Stepp to the United States Bankruptcy Court. (Case No. 17-52420-PWB, Dkt. No. 1, page 28)

6.

In each case, the petition indicates the debtor paid Ruben S. Hauwanga for assistance in preparing his bankruptcy forms.

7.

In each case, the debtor filed a Form 119 (Bankruptcy Petition Preparer's Notice, Declaration, and Signature). In each case, the Form 119 indicates Ruben Hauwanga

¹ It appears the debtor's last name is Tigner, not Tegner.

prepared, among other things, the petition, a statement of social security number, summary, schedules A through J, declaration, the statement of financial affairs, a statement of intent, means test forms, and a mailing matrix.

8.

In each case, several documents, including schedules, have not filed. Accordingly, it appears Mr. Hauwanga did not prepare and deliver all of the documents he was paid to prepare, as indicated in the Forms 119 filed in these cases.

9.

In each case, the debtor filed a “Motion to Withdraw Case.” Given the similarity of the document filed in each case and in light of the fact that Mr. Hauwanga acted as document preparer in each of the cases, it seems likely that Mr. Hauwanga prepared the “Motion to Withdraw Case” filed in each case or has information concerning the preparation of the document.

10.

The “Motion to Withdraw Case” does not include the name, address, social security number, and signature of the preparer, as required by Bankruptcy Code sections 110(b) and (c).²

² Bankruptcy Code section 110(b)(1) requires the bankruptcy petition preparer include his name, address, and signature on each document he prepares. Bankruptcy Code section 110(c) requires the bankruptcy petition preparer place his Social Security account number on each document prepared for filing.

11.

The United States Trustee wishes to conduct a Rule 2004 examination of Ruben S. Hauwanga to inquire about the circumstances surrounding the filing of these petitions and bankruptcy assistance provided and fees charged in and in connection with these cases.

12.

Rule 2004 authorizes, among other things, examination of any person relating to “any matter which may affect the administration of the debtor’s estate...and any other matter relevant to the case.” Fed. R. Bankr. P. 2004(b). The United States Trustee has authority to conduct Rule 2004 examinations in light of the broad grant of authority under section 307. *In re Davis*, 452 B.R. 610, 615 (Bankr. E.D. Mich. 2011) and *In re Youk-See*, 450 B.R. 312, 323 (Bankr. D. Mass. 2011).

13.

Examination of Mr. Hauwanga is an appropriate part of the United States Trustee’s inquiry into the circumstances surrounding the filing of the petitions and bankruptcy assistance provided and fees charged in and in connection with these cases.

WHEREFORE the United States Trustee respectfully requests the Court enter an order authorizing examination of Ruben S. Hauwanga.

Guy G. Gebhardt
Acting United States Trustee, Region 21

s/ Jeneane Treace
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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2017, I served a copy of this document by First Class United States Mail, properly addressed and with correct postage to the following persons:

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